

1 TRIAL & TECHNOLOGY LAW GROUP
2 A PROFESSIONAL CORPORATION
3 ROBERT A. SPANNER SBN 60308
3723 HAVEN AVENUE, SUITE 132
4 MENLO PARK, CA 94025
PHONE:/(650) 324-2277
5 FAX: (650) 324-0178
email - ras@techtriallaw.com

6
7
8 Attorney for Plaintiffs

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **San Francisco Division**

12
13 HENRY A. KLYCE and CAROLE M.
14 KLYCE,

CASE NO. 11 CV 02248 WHA

15 Plaintiffs,

16 v.

17 DOES 1-10,

18 Defendants.

[PROPOSED]
ORDER RE SUBMISSION OF
SUBPOENAS TO INTERNET SERVICE
PROVIDERS YAHOO! INC. AND
AMERICA ON-LINE

19 _____/
20 Upon the application of Plaintiffs Henry and Carole Klyce ("Plaintiffs") for an Order
21 authorizing the issuance of subpoenas to Internet Service Providers ("ISP's") for documents
22 pertaining to their accounts at Yahoo! Inc. and AOL, and good cause appearing,
23

24 IT IS HEREBY ORDERED as follows:

25 1. Plaintiffs may serve a subpoena, pursuant to F.R.Civ.P. 45, on Yahoo!, Inc.
26 ("Yahoo") for documents disclosing or relating to the following information:
27

28 _____
Order re Subpoenas to ISP's
Case No. 11 CV 02248 WHA

1 a) The identity of each person or entity logging in to Plaintiff Carole Klyce' email
2 account(s) at Yahoo! during the past 30 months (to the extent currently
3 available), including without exception all documents disclosing any of the
4 following information:

- 5
- 6 1. the date of each log-in;
 - 7 2. The IP address of the person or entity logging in;
 - 8 3. The email address of the person or entity logging in;
 - 9 4. the name, address, and/or telephone number of the person or entity logging
10 in.

11 b) the identity of each person or entity who i) created or established the
12 klycehenry@Yahoo.com account, or ii) logged in to the
13 klycehenry@Yahoo.com account, during the past 30 months (to the extent
14 currently available), including without exception documents disclosing any of
15 the following information:

- 16
- 17 1. the date of each log-in;
 - 18 2. The IP address of the person or entity logging in;
 - 19 3. The email address of the person or entity logging in;
 - 20 4. the name, address, and/or telephone number of the person or entity logging
21 in.

22 c) the account security information for Carol Klyce' email account for the past two
23 years.

24 The return date for said subpoena shall be 14 days from the date of issuance, and the subpoena
25

1 shall be promptly served.

2 2. Plaintiffs may serve a subpoena, pursuant to F.R.Civ.P. 45, on America On-Line
3 (“AOL”) for documents disclosing or relating to the following information:

4 a) The identity of each person or entity logging in to Plaintiff Henry Klyce’ email
5 account(s) at Yahoo! during the past 30 months (to the extent currently available)
6 including without exception, for each such log-in, all documents disclosing any of the
7 following information:

- 8
- 9 1. the date of each log-in;
 - 10 2. The IP address of the person or entity logging in;
 - 11 3. The email address of the person or entity logging in;
 - 12 4. the name, address, and/or telephone number of the person or entity logging
 - 13 in.
 - 14

15 b) the account security information for Henry Klyce’ for the past two years.

16 The return date for said subpoena shall be 14 days from the date of issuance, and the subpoena
17 shall be promptly served.

18 3. Within ten calendar days of service of the foregoing subpoenas, Yahoo! or AOL,
19 respectively, may contest the subpoena served upon them by filing a motion to quash in this
20 Court, but all responsive documents shall be identified and preserved pending resolution of the
21 motion to quash.

22 4. Within seven calendar days of service of the foregoing subpoenas upon them,
23 Yahoo! and AOL, respectively, shall notify each of the persons or entities who are their own
24 subscribers and whose identifying information is responsive to the subpoena that their
25

1 identities are being sought by Plaintiffs.

2 5. Each subscriber so notified may, within ten calendar days of the date of notification,
3 file documents in this Court contesting the subpoena, and if such subscriber does so and timely
4 serves a copy on his ISP, the documents sought shall be collected and preserved by the ISP, but
5 production of the responsive documents by the ISP shall be suspended until ten days after
6 notice by the Plaintiffs of resolution of the dispute.
7

8 6. A copy of this Order shall be served on AOL and Yahoo!, respectively at the time of
9 service of the foregoing subpoenas on them.

10 Dated: _____, 2011

11 _____
UNITED STATES DISTRICT COURT